

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FIRST AMERICAN INTERNATIONAL BANK	:
	:
Plaintiff,	:
	:
v.	:
THE COMMUNITY'S BANK	:
	:
Defendant.	:
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10 CV 3775 (PAE)

**DECLARATION OF PETER  
HARVEY IN SUPPORT OF  
DEFENDANT THE COMMUNITY'S  
BANK'S MOTION FOR SUMMARY  
JUDGMENT**

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am a member of the law firm Patterson Belknap Webb & Tyler LLP, counsel for Defendant The Community's Bank ("TCB"). I submit this Declaration in support of TCB's motion for summary judgment.

2. Attached as **EXHIBIT 1** is a true and correct copy of documents dated December 30, 2008 that were produced by TCB, bates labeled TCB00000549 through 556, and marked for identification as "Lau 3" at the deposition of Alfonso Lau.

3. Attached as **EXHIBIT 2** is a true and correct copy of documents dated December 30, 2008 that were produced by TCB, bates labeled TCB00000557 – 609, and marked for identification in a different order as "Lau 2" at the deposition of Alfonso Lau.

4. Attached as **EXHIBIT 3** is a true and correct copy of excerpts of the August 26, 2011 deposition of Alfonso Lau.

5. Attached as **EXHIBIT 4** is a true and correct copy of excerpts of the September 2, 2011 deposition of Patrick Yau.

6. Attached as **EXHIBIT 5** is a true and correct copy of excerpts of the September 1, 2011 deposition of Orville G. Aarons.

7. Attached as **EXHIBIT 6** is a true and correct copy of excerpts of the September 7, 2011 deposition of Jodie Harris.

8. Attached as **EXHIBIT 7** is a true and correct copy of documents produced by TCB and bates labeled TCB00000244 – 247, which were marked for identification as “Yau 1” at the deposition of Patrick Yau.

9. Attached as **EXHIBIT 8** is a true and correct copy of a document produced by TCB and bates labeled TCB00000235.

10. Attached as **EXHIBIT 9** is a true and correct copy of documents dated March 11, 2009 that were produced by TCB, bates labeled TCB00000768 – 781, and marked for identification as “Plaintiff’s Exhibit 10” at the deposition of Orville G. Aarons.

11. Attached as **EXHIBIT 10** is a true and correct copy of documents dated December 19, 2008 that were produced by TCB, bates labeled TCB00000618 – 625, 610 – 616, 629 – 636, and 642 – 650, and were respectively marked for identification as “Plaintiff’s Exhibit 5,” “Plaintiff’s Exhibit 6,” “Plaintiff’s Exhibit 8,” and “Plaintiff’s Exhibit 9” at the deposition of Orville G. Aarons.

12. Attached as **EXHIBIT 11** is a true and correct copy of a document that was marked for identification as “Harris 7” at the deposition of Jodie Harris.

13. Attached as **EXHIBIT 12** is a true and correct copy of a document produced by TCB and bates labeled TCB00000495, which was marked for identification as “Yau 6” at the deposition of Patrick Yau.

14. Attached as **EXHIBIT 13** is a true and correct copy of a document produced by TCB and bates labeled TCB00000508, which was marked for identification as “Yau 5” at the deposition of Patrick Yau.

15. Attached as **EXHIBIT 14** is a true and correct copy of documents dated March 25, 2010 that were produced by TCB and bates labeled TCB00001316 – 1321.

16. Attached as **EXHIBIT 15** is a true and correct copy of documents dated April 19, 2010 that were produced by TCB and bates labeled TCB00001311 – 1312.

17. Attached as **EXHIBIT 16** is a true and correct copy of documents dated September 29, 2010 that were produced by TCB and bates labeled TCB00000513 – 514.

18. Attached as **EXHIBIT 17** is a true and correct copy of the document dated August 20, 2009 that was EXHIBIT D to the May 13, 2010 Affidavit of Orville G. Aarons.

19. Attached as **EXHIBIT 18** is a true and correct copy of excerpts of Plaintiff’s August 15, 2011 Objections and Responses to Defendant’s First Set of Interrogatories in this case.

20. Attached as **EXHIBIT 19** is a true and correct copy of a document produced by TCB and bates labeled TCB00001034, which was marked for identification as “Harris 4” at the deposition of Jodie Harris.

21. Attached as **EXHIBIT 20** is a true and correct copy of documents produced by TCB and bates labeled TCB00001040 – 1043.

22. Attached as **EXHIBIT 21** is a true and correct copy of a document that was marked for identification as “Harris 6” at the deposition of Jodie Harris.

23. Attached as **EXHIBIT 22** is a true and correct copy of a document dated June 15, 2011 that was marked for identification as “Lau 5” at the deposition of Alfonso Lau.

24. Attached as **EXHIBIT 23** is a true and correct copy of a document dated August 3, 2011 that was marked for identification as “Lau 6” at the deposition of Alfonso Lau.

Dated: New York, New York  
November 29, 2011

/s/ Peter C. Harvey, Esq.

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Peter C. Harvey, Esq.